

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the matter of)	
)	
)	
Second Periodic Review of the)	MB Docket No. 03-15
Commission's Rules and Policies)	
Affecting the Conversion)	
To Digital Television)	
)	
)	

**ORDER GRANTING EXTENSION OF TIME TO FILE
FIRST ROUND DTV CHANNEL ELECTION FORMS**

Adopted: December 17, 2004

Released: December 21, 2004

By the Chief, Media Bureau:

1. On August 4, 2004, the Commission adopted a *Report and Order*¹ in the above-captioned proceeding that, among other things, established a channel election process through which television broadcast licensees and permittees will select their ultimate digital channel inside the core television spectrum (*i.e.*, channels 2-51). The channel election process commenced in October 2004 with the filing of FCC Form 381, the Pre-Election Certification form. The channel election process will continue with three rounds of channel elections, the first round of which was scheduled to take place in December 2004 with the filing of FCC Form 382.² The *Report and Order* did not specify a precise date in December for the filing of FCC Form 382.

2. On November 24, 2004, the Association for Maximum Service Television, Inc. ("MSTV") filed a request that the Commission delay the first round of DTV channel elections until mid-January 2005 to provide stations with more time to conduct the analysis and preparation necessary to make the first round filing. MSTV argues that television licensees need additional time to consider their channel choices because up to now they have devoted most of their attention and resources on ensuring proper pre-election certifications prior to the first round of elections. MSTV contends this extension will also permit broadcasters adequate time to review the FCC's new Table of Station Assignment and Service Information, which is being released in a separate Public Notice issued concurrently with this Order. MSTV also states that it is in the process of developing software to assist stations in evaluating channel election options and interference consequences, and that a brief extension of time would allow more first round electors to use this software and provide for a more efficient and accurate channel election process. MSTV contends that this additional time at the beginning of the process will not delay the overall election schedule and will provide for well-considered elections in the public interest.

3. In view of our interest in a smooth and accurate channel election process, we hereby

¹ *Report and Order*, 19 FCC Rcd 18,279 (2004).

² *Id.* at 18,297, ¶ 43.

grant MSTV's request and will extend the period for filing the first round channel election forms (FCC Form 382) until January 27, 2005. Thus, FCC Form 382, which is now available for filing on the FCC's website,³ may be filed any time through January 27, 2005. This brief delay in the filing deadline will assist stations that require additional time to make first round channel election decisions and could result in better informed decisions and reduced potential for interference conflicts. We note that virtually all television stations will be filing an election in the first round of the channel election process. We agree with MSTV that allowing a brief delay in the filing of FCC Form 382 should not delay completion of the entire channel election process, as facilitating accurate and better informed first round elections should ultimately help streamline later steps in the channel election process.

4. Accordingly, IT IS ORDERED that the Request for Extension of Time for First Round DTV Channel Elections, filed in MB Docket 03-15 by MSTV, is GRANTED to the extent described herein.

5. IT IS FURTHER ORDERED that the period for filing FCC Form 382 in the above-captioned proceeding IS EXTENDED through January 27, 2005.

6. This action is taken pursuant to authority found in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 303(r), and Sections 0.204(b), 0.283, and 1.45 of the Commission's rules, 47 C.F.R. §§ 0.204(b), 0.283, and 1.45.

FEDERAL COMMUNICATIONS COMMISSION

W. Kenneth Ferree

Chief, Media Bureau

³ See <http://www.fcc.gov>.